

1 AMENDMENT TO SENATE BILL 698

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 698 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Professional Land Surveyor Act  
5 of 1989 is amended by changing Sections 1, 3, 4, 5, 6, 8, 12,  
6 15, 20, 29, 45, and 49 as follows:

7 (225 ILCS 330/1) (from Ch. 111, par. 3251)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 1. Declaration of public policy. The practice of  
10 land surveying in the State of Illinois is hereby declared to  
11 affect the public health, safety, and welfare and to be  
12 subject to regulation and control in the public interest. It  
13 is further declared that the determination and physical  
14 protraction of land boundaries, together with the attendant  
15 preparation of legal descriptions and plats, which bear  
16 witness for posterity ~~and-become-part-of-the-public-record~~ to  
17 chronicle the acts and wishes of landowners throughout this  
18 State is a matter of public interest and concern. Therefore,  
19 it is in the public interest that the practice of land  
20 surveying, as defined in this Act, merit and receive the  
21 confidence of the public, and that only qualified persons be  
22 authorized to practice land surveying in the State of

1 Illinois. This Act shall be liberally construed to best  
2 carry out this purpose.

3 (Source: P.A. 86-987.)

4 (225 ILCS 330/3) (from Ch. 111, par. 3253)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 3. Exceptions. This Act does not prohibit ~~(a)~~ any  
7 person licensed in this State under any other Act from  
8 engaging in the practice for which that person is licensed. ~~;~~

9 ~~(b) --An--individual,--firm,--or--corporation--engaged--in--any  
10 line--of--business--other--than--the--practice--of--land--surveying  
11 from--employing--a--licensed--land--surveyor--to--perform--land  
12 surveying--services--directly--incidental--to--the--business--of  
13 that--individual,--firm,--or--corporation.~~

14 (Source: P.A. 86-987.)

15 (225 ILCS 330/4) (from Ch. 111, par. 3254)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 4. Definitions. As used in this Act:

18 (a) "Department" means the Department of Professional  
19 Regulation.

20 (b) "Director" means the Director of Professional  
21 Regulation.

22 (c) "Board" means the Land Surveyors Licensing Board.

23 (d) "Direct supervision and control" means the personal  
24 review by a Licensed Professional Land Surveyor of each  
25 survey, including, but not limited to, procurement, research,  
26 field work, calculations, preparation of legal descriptions  
27 and plats. The personal review shall be of such a nature as  
28 to assure the client that the Professional Land Surveyor or  
29 the firm for which the Professional Land Surveyor is employed  
30 is the provider of the surveying services.

31 (e) "Responsible charge" means an individual responsible  
32 for the various components of the land survey operations

1 subject to the overall supervision and control of the  
2 Professional Land Surveyor.

3 (f) "Design professional" means a land surveyor,  
4 architect, structural engineer, or professional engineer  
5 licensed ~~practicing~~ in conformance with this Act, the  
6 Illinois Architecture Practice Act of 1989, the Structural  
7 Engineering Practice Act of 1989, or the Professional  
8 Engineering Practice Act of 1989.

9 (g) "Professional Land Surveyor" means any person  
10 licensed under the laws of the State of Illinois to practice  
11 land surveying, as defined by this Act or its rules.

12 (h) "Land Surveyor-in-Training" means any person  
13 licensed under the laws of the State of Illinois who has  
14 qualified for, taken, and passed an examination in the  
15 fundamental land surveyor-in-training subjects as provided by  
16 this Act or its rules.

17 (i) "Land surveying experience" means those activities  
18 enumerated in Section 5 of this Act, which, when exercised in  
19 combination, to the satisfaction of the Board, is proof of an  
20 applicant's broad range of training in and exposure to the  
21 prevailing practice of land surveying.

22 (Source: P.A. 91-91, eff. 1-1-00; 91-132, eff. 1-1-00; 92-16,  
23 eff. 6-28-01.)

24 (225 ILCS 330/5) (from Ch. 111, par. 3255)

25 (Section scheduled to be repealed on January 1, 2010)

26 Sec. 5. Practice of land surveying defined. Any one or  
27 combination of the following practices constitutes the  
28 practice of land surveying:

29 (a) ~~Surveying,--preparation-of-boundary-descriptions-and~~  
30 ~~measuring-the-area-of-any-portion-of-the-earth's-surface,--the~~  
31 ~~lengths-and-directions-of-the-boundary-lines,--or-the--contour~~  
32 ~~of--the--surface--for-their-determination-and-description-for~~  
33 ~~conveying--or--for--recording,---or---for~~ Establishing or

1 reestablishing, locating, defining, and making or monumenting  
2 land boundaries or lines and the platting of lands and  
3 subdivisions;

4 (b) Establishing Surveying-and--measuring the area or  
5 volume of any portion of the earth's surface, subsurface, or  
6 surveying-and-measuring-an-area-of-the airspace with respect  
7 to boundary lines, determining the configuration or contours  
8 of any portion of the earth's surface, subsurface, or  
9 airspace or the location of fixed objects thereon, except as  
10 performed by photogrammetric methods over--the--earth's  
11 surface,-to-determine-the-location-of-property-rights;

12 (c) Preparing descriptions for the determination of  
13 title rights to any portion or volume of the earth's surface,  
14 subsurface, or airspace involving the lengths and direction  
15 of boundary lines, areas, parts of platted parcels or the  
16 contours of the earth's surface, subsurface, or airspace  
17 Preparing,-and--attesting--to-the-accuracy-of,-a-map-or-plot  
18 showing-the-land--boundaries--or--lines--and--the--marks--and  
19 monuments--of-the-boundaries,-or-of-a-map-or-plot-showing-the  
20 boundaries-of-subsurface-or-air-rights;

21 (d) Executing-and--issuing--certificates,-endorsements,-  
22 reports,-or--plats--which--portray--the-relationship-between  
23 existing-physical-objects--or--structures--and--one--or--more  
24 corners--or--boundaries--of--any--tract--or--lot--of--land-or  
25 boundaries-of--a--portion--of--the--surface,-subsurface,-or  
26 airspace;

27 (d) (e) Labeling, designating, naming, or otherwise  
28 identifying legal lines,-property-lines or land title lines  
29 of the United States Rectangular System or any subdivision  
30 thereof on any photograph, photographic composite, or mosaic  
31 or photogrammetric map of any portion of the earth's surface  
32 for the purpose of recording the same in the Office of  
33 Recorder or-Registrar-of-Titles in any county;

34 (f) Determining--the--position--for--any---monument---or

1 reference--point--which--marks--a--property--line,--boundary,--or  
2 corner,--or--to--set,--reset,--or--replace--any--the--monument--or  
3 reference--point--on--any--property;

4 (g)--Acting--in--direct--supervision--and--control--of--land  
5 surveying--activities--or--conducting--as--a--manager--in--any--place  
6 of--business--which--solicits,--performs,--or--practices--land  
7 surveying;

8 (e) (h) Any act or combination of acts that which would  
9 be viewed as offering professional land surveying services  
10 including:

11 (1) setting monuments which have the appearance of  
12 or for the express purpose of marking land boundaries,  
13 either directly or as an accessory; or

14 (2) providing any sketch, map, plat, report,  
15 monument record, or other document which indicates land  
16 boundaries and monuments, or accessory monuments thereto,  
17 except that if the sketch, map, plat, report, monument  
18 record, or other document is a copy of an original  
19 prepared by a Professional Land Surveyor, and if proper  
20 reference to that fact be made on that document;

21 (f) Determining the position for any monument or  
22 reference point that marks a title line, boundary, or corner,  
23 or to set, reset, or replace any monument or reference point  
24 on any property;

25 (g) Creating, preparing, or modifying electronic or  
26 computerized data relative to the performance of activities  
27 in items (a) through (f) of this Section;

28 (h) Establishing any control network or adjusting of  
29 cadastral data as it pertains to items (a) through (g) of  
30 this Section;

31 (i) Preparing and attesting to the accuracy of a map or  
32 plat showing the land boundaries or lines and marks and  
33 monuments of the boundaries or of a map or plat showing the  
34 boundaries of surface, subsurface, or air rights;

1       (j) Executing and issuing certificates, endorsements,  
2 reports, or plats that portray the relationship between  
3 existing physical objects or structures and one or more  
4 corners or boundaries of any portion of the earth's surface,  
5 subsurface, or airspace;

6       (k) Acting in direct supervision and control of land  
7 surveying activities or acting as a manager in any place of  
8 business that solicits, performs, or practices land  
9 surveying;

10       (l) (i) Offering or soliciting to perform any of the  
11 services set forth in this Section.

12       (Source: P.A. 86-987.)

13       (225 ILCS 330/6) (from Ch. 111, par. 3256)

14       (Section scheduled to be repealed on January 1, 2010)

15       Sec. 6. Powers and duties of the Department.

16       (a) The Department shall exercise the powers and duties  
17 prescribed by The Illinois Administrative Procedure Act for  
18 the administration of licensing Acts. The Department shall  
19 also exercise, subject to the provisions of this Act, the  
20 following powers and duties:

21             (1) Conduct or authorize examinations to ascertain  
22 the fitness and qualifications of applicants for  
23 licensure and issue licenses to those who are found to be  
24 fit and qualified.

25             (2) Prescribe rules for a method of examination.

26             (3) Conduct hearings on proceedings to revoke,  
27 suspend, or refuse to issue, renew, or restore a license,  
28 or other disciplinary actions.

29             (4) Promulgate rules and regulations required for  
30 the administration of this Act.

31             (5) License corporations and partnerships for the  
32 practice of professional surveying and issue a license to  
33 those who qualify.

1           (6) Prescribe, adopt, and amend rules as to what  
2 shall constitute a surveying or related science  
3 curriculum, determine if a specific surveying curriculum  
4 is in compliance with the rules, and terminate the  
5 approval of a specific surveying curriculum for  
6 non-compliance with such rules.

7           (7) Maintain membership in the National Council of  
8 Engineering Examiners or a similar organization and  
9 participate in activities of the Council or organization  
10 by designating individuals for the various  
11 classifications of membership and appoint delegates for  
12 attendance at zone and national meetings of the Council  
13 or organization.

14           (8) Obtain written recommendations from the Board  
15 regarding qualification of individuals for licensing,  
16 definition of curriculum content and approval of  
17 surveying curriculums, standards of professional conduct  
18 and disciplinary actions, promulgate and amend the rules  
19 affecting these matters, and consult with the Board on  
20 other matters affecting administration of the Act.

21           (a-5) The Department may promulgate rules for a Code of  
22 Ethics and Standards of Practice to be followed by persons  
23 licensed under this Act. The Department shall consider the  
24 recommendations of the Board in establishing the Code of  
25 Ethics and Standards of Practice.

26           (b) The Department shall consult with the Board in  
27 promulgating rules. Notice of proposed rulemaking shall be  
28 transmitted to the Board and the Department shall review the  
29 Board's response and recommendations.

30           (c) The Department shall review the Board's  
31 recommendation of the applicants' qualifications. The  
32 Director shall notify the Board in writing with an  
33 explanation of any deviation from the Board's recommendation.  
34 After review of the Director's written explanation of his or

1 her reasons for deviation, the Board shall have the  
2 opportunity to comment upon the Director's decision.

3 Whenever the Director is not satisfied that substantial  
4 justice has been done in the revocation or suspension of a  
5 license, or other disciplinary action the Director may order  
6 re-hearing by the same or other boards.

7 None of the functions, powers or duties enumerated in  
8 this Section shall be exercised by the Department except upon  
9 the action and report in writing of the Board.

10 (Source: P.A. 91-132, eff. 1-1-00.)

11 (225 ILCS 330/8) (from Ch. 111, par. 3258)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 8. Powers and duties of the Board; quorum. Subject  
14 to the provisions of this Act, the Board shall exercise the  
15 following functions, powers, and duties:

16 (a) Review education and experience qualifications  
17 of applicants to determine eligibility as a Professional  
18 Land Surveyor or Land Surveyor-in-Training and submit to  
19 the Director written recommendations on applicant  
20 qualifications for licensing;

21 (b) Conduct hearings regarding disciplinary actions  
22 and submit a written report to the Director as required  
23 by this Act and provide a Board member at informal  
24 conferences;

25 (c) Visit universities or colleges to evaluate  
26 surveying curricula and submit to the Director a written  
27 recommendation of acceptability of the curriculum;

28 (d) Submit a written recommendation to the Director  
29 concerning promulgation or amendment of rules for the  
30 administration of this Act;

31 (e) The Department may at any time seek the expert  
32 advice and knowledge of the Board on any matter relating  
33 to the enforcement of this Act;

1 (f) The Board may appoint a subcommittee to serve  
2 as a Complaint Committee to recommend the disposition of  
3 case files according to procedures established by rule;

4 (g) Hold at least 8 3 regular meetings each year;  
5 and

6 (h) The Board shall annually elect a Chairperson  
7 and a Vice Chairperson who shall be licensed Illinois  
8 Professional Land Surveyors.

9 A quorum of the Board shall consist of a majority of  
10 Board members appointed.

11 (Source: P.A. 91-132, eff. 1-1-00.)

12 (225 ILCS 330/12) (from Ch. 111, par. 3262)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 12. Qualifications for licensing.

15 (a) A person is qualified to receive a license as a  
16 Professional Land Surveyor and the Department shall issue a  
17 license to a person:

18 (1) who has applied in writing in the required form  
19 and substance to the Department;

20 (2) (blank);

21 (3) who is of good moral character;

22 (4) who has been issued a license as a Land  
23 Surveyor-in-Training;

24 (5) who, subsequent to passing an examination for  
25 licensure as a Surveyor-In-Training, has at least 4 years  
26 of responsible charge experience verified by a  
27 professional land surveyor in direct supervision and  
28 control of his or her activities ~~has-at-least-4-years--of~~  
29 ~~responsible--charge--experience,--subsequent-to-passage-of~~  
30 ~~an---examination---for---licensure---as---a---Land~~  
31 ~~Surveyor-in-Training,--verified--by--a--Professional-Land~~  
32 ~~Surveyor--in--responsible--charge---of---land---surveying~~  
33 ~~operations--under-the-direct-supervision-and-control-of-a~~

1 Professional-Land-Surveyor; and

2 (6) who has passed an examination authorized by the  
3 Department to determine his or her fitness to receive a  
4 license as a Professional Land Surveyor.

5 (b) A person is qualified to receive a license as a Land  
6 Surveyor-in-Training and the Department shall issue a license  
7 to a person:

8 (1) who has applied in writing in the required form  
9 and substance to the Department;

10 (2) (blank);

11 (3) who is of good moral character;

12 (4) who has the required education as set forth in  
13 this Act; and

14 (5) who has passed an examination authorized by the  
15 Department to determine his or her fitness to receive a  
16 license as a Land Surveyor-in-Training in accordance with  
17 this Act.

18 In determining moral character under this Section, the  
19 Department may take into consideration whether the applicant  
20 has engaged in conduct or actions that would constitute  
21 grounds for discipline under this Act.

22 (Source: P.A. 91-132, eff. 1-1-00.)

23 (225 ILCS 330/15) (from Ch. 111, par. 3265)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 15. Seal. Every Professional Land Surveyor shall  
26 have a reproducible seal or facsimile, which may be computer  
27 generated, the impression of which shall contain the name of  
28 the land surveyor, his or her place of business, the license  
29 number, of the Professional Land Surveyor, and the words  
30 "Professional Land Surveyor, State of Illinois". Signatures  
31 generated by computer or rubber stamp shall not be permitted.

32 A Professional Land Surveyor shall seal all documents  
33 prepared by or under the direct supervision and control of

1 the Professional Land Surveyor. Any seal authorized or  
2 approved by the Department under the Illinois Land Surveyors  
3 Act shall serve the same purpose as the seal provided for by  
4 this Act. ~~Signatures--generated--by--computer--shall--not--be~~  
5 ~~permitted.~~ The licensee's written signature and date of  
6 signing along with the date of license expiration shall be  
7 placed adjacent to the seal.

8 (Source: P.A. 90-655, eff. 7-30-98; 91-132, eff. 1-1-00.)

9 (225 ILCS 330/20) (from Ch. 111, par. 3270)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 20. Endorsement. Upon payment of the required fee,  
12 an applicant who is a Professional Land Surveyor, registered,  
13 licensed, or otherwise legally recognized as a Land Surveyor  
14 under the laws of another state or territory of the United  
15 States may be granted a license as an Illinois Professional  
16 Land Surveyor by the Department with approval of the Board  
17 upon the following conditions:

18 (a) That the applicant meets the requirements for  
19 licensing in this State, and that the requirements for  
20 licensing or other legal recognition of Land Surveyors in  
21 the particular state or territory were, at the date of  
22 issuance of the license or certificate, equivalent to the  
23 requirements then in effect in the State of Illinois; and

24 (b) That the applicant passes a jurisdictional  
25 examination to determine the applicant's knowledge of the  
26 surveying tasks unique to the State of Illinois and the  
27 laws pertaining thereto.

28 (Source: P.A. 90-602, eff. 6-26-98; 91-132, eff. 1-1-00.)

29 (225 ILCS 330/29) (from Ch. 111, par. 3279)

30 (Section scheduled to be repealed on January 1, 2010)

31 Sec. 29. Investigations; notice and hearing. A license  
32 or registration issued under the provisions of this Act may

1 be revoked, suspended, not renewed or restored, or otherwise  
2 disciplined, or applications for license or registration may  
3 be refused, in the manner set forth in this Act. The  
4 Department may, upon its own action, and shall, upon the  
5 verified complaint in writing of any person setting forth  
6 facts which, if proven, would constitute grounds for  
7 discipline, investigate the actions of any person or other  
8 entity holding, applying for or claiming to hold a license,  
9 or practicing or offering to practice land surveying. Before  
10 the initiation of an investigation, the matter shall be  
11 reviewed by a subcommittee of the Board according to  
12 procedures established by rule for the Complaint Committee.  
13 The Department shall, before refusing to issue, renew or  
14 restore, suspending or revoking any license or registration,  
15 or imposing any other disciplinary action, at least 30 days  
16 prior to the date set for the hearing, notify the person  
17 accused in writing of any charges made and shall direct the  
18 person or entity to file a written answer to the Board under  
19 oath within 20 days after the service of the notice and  
20 inform the person or entity that if the person or entity  
21 fails to file an answer default will be taken and that the  
22 license or certificate may be suspended, revoked, placed on  
23 probationary status, or other disciplinary action may be  
24 taken, including limiting the scope, nature or extent of  
25 practice, as the Director may deem proper. The Department  
26 shall afford the accused person or entity an opportunity to  
27 be heard in person or by counsel in reference to the charges  
28 changes. This written notice may be served by personal  
29 delivery to the accused person or entity or certified mail to  
30 the last address specified by the accused person or entity in  
31 the last notification to the Department. In case the person  
32 or entity fails to file an answer after receiving notice, his  
33 or her license or certificate may, in the discretion of the  
34 Department, be suspended, revoked, or placed on probationary

1 status, or the Department may take whatever disciplinary  
2 action deemed proper, including limiting the scope, nature,  
3 or extent of the person's practice or the imposition of a  
4 fine, without a hearing, if the act or acts charged  
5 constitute sufficient grounds for such action under this Act.  
6 At the time and place fixed in the notice, the Board shall  
7 hear the charges and the accused person or entity shall be  
8 accorded ample opportunity to present any statements,  
9 testimony, evidence and argument as may be relevant to the  
10 charges or their defense. The Board may continue the hearing  
11 from time to time.

12 The Board may from time to time and in co-operation with  
13 the Department's legal advisors employ individual land  
14 surveyors possessing the same minimum qualifications as  
15 required for Board candidates to assist with its  
16 investigative duties.

17 Persons who assist the Department as consultants or  
18 expert witnesses in the investigation or prosecution of  
19 alleged violations of the Act, licensure matters, restoration  
20 proceedings, or criminal prosecutions, are not liable for  
21 damages in any civil action or proceeding as a result of  
22 their assistance, except upon proof of actual malice. The  
23 Attorney General shall defend these persons in any such  
24 action or proceeding.

25 (Source: P.A. 87-1031; 88-428.)

26 (225 ILCS 330/45) (from Ch. 111, par. 3295)

27 (Section scheduled to be repealed on January 1, 2010)

28 Sec. 45. Entry upon adjoining land; Liability for  
29 damages. A Professional Land Surveyor, or persons under his  
30 direct supervision, together with his survey party, who, in  
31 the course of making a survey, finds it necessary to go upon  
32 the land of a party or parties other than the one for whom  
33 the survey is being made is not liable for civil or criminal

1 trespass as-a-trespasser and is liable only for any actual  
2 damage done to the land or property.

3 (Source: P.A. 86-987.)

4 (225 ILCS 330/49) (from Ch. 111, par. 3299)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 49. The provisions of this Act, insofar as they are  
7 the same or substantially the same as those of any prior law  
8 concerning the licensure of land surveyors, shall be  
9 construed as a continuation of such prior law and not as a  
10 new enactment.

11 Any existing injunction or temporary restraining order  
12 validly obtained under the Illinois Land Surveyors Act which  
13 prohibits the unlicensed unregistered practice of land  
14 surveying or prohibits or requires any other conduct in  
15 connection with the practice of land surveying, or any  
16 disciplinary action begun under the Illinois Land Surveyors  
17 Act are not invalidated by the enactment of this Act and  
18 shall continue to have full force and effect on and after the  
19 effective date of this Act. All certificates of registration  
20 and enrollments in effect on December 31, 1989 issued  
21 pursuant to the Illinois Land Surveyors Act are reinstated  
22 under this Act for the balance of the term for which last  
23 issued. All rules and regulations in effect on December 31,  
24 1989 and promulgated pursuant to the Illinois Land Surveyors  
25 Act shall remain in full force and effect on and after the  
26 effective date of this Act without being promulgated again by  
27 the Department, except to the extent any such rule or  
28 regulation is inconsistent with any provision of this Act.

29 (Source: P.A. 86-987.)".